

Judge Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

Having reviewed the Government's Motion for an Order Regarding Ronald Lee Banks' Waiver of His Attorney-Client Privilege, and based upon the reasons set forth in that Motion,

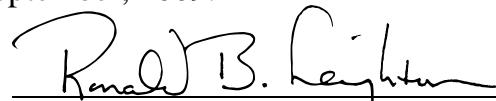
IT IS HEREBY ORDERED that Defendant Ronald Lee Banks, by raising issues related to his legal representation in the context of his motion to withdraw his guilty plea, has waived his attorney-client privilege for the purpose of litigating that motion. Accordingly, Mr. Banks' former attorney, Roger Hunko, is hereby ORDERED to provide a written response to the four allegations made by Mr. Banks' in his 2255 petition (including otherwise privileged legal conversations) to wit that Mr. Hunko: (a) promised a sentence of 57 months;¹ (b) pressured Mr. Banks to plead guilty; (c) refused to object to the PSI after being directed to do so by Mr. Banks; and (d) refused to file an appeal after being directed to do so by Mr. Banks. Mr. Hunko shall provide his written response to the

¹As opposed to the 80 months that was imposed

1 government on or before October 9, 2009. The Government's response to the 2255
2 petition shall now be due on or before October 23, 2009. Petitioner's response, if any, is
3 due on or before November 19, 2009 and the 2255 petition is renoted for November 20,
4 2009. It is further ORDERED that if the Court later determines that a fact-finding hearing
5 is necessary, that Mr. Hunko will testify at the evidentiary hearing in this matter.

6 IT IS FURTHER ORDERED that, absent further orders from this Court, the
7 evidence provided pursuant to this Order shall be used solely for the purpose of litigating
8 Mr. Banks' motion to withdraw his guilty plea, and shall not be admissible against Mr.
9 Banks in any other proceeding, including at any trial in this case. This Order shall remain
10 in effect even after the Court has ruled on the motion to withdraw. Both parties retain the
11 right to apply to the Court for modification of this Order.

12 IT IS SO ORDERED this 22nd day of September, 2009.

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14 RONALD B. LEIGHTON
15 UNITED STATES DISTRICT JUDGE

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17 Presented by:

18
19 s/Douglas J. Hill
20 DOUGLAS J. HILL
Special Assistant United States Attorney